

Remarks/Arguments:

Claims 1-5, 9, 10, 14-19, and 22-25 have been rejected under 35 U.S.C. §102(e) as being anticipated by Yung (U.S. Patent No. 6,578,162). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

First, regarding claim 1 (and claims dependent thereon), the rejection is respectfully traversed. Applicants' claim 1 is directed to an audio transmitting apparatus. Figure 7 of Yung is clearly a receiver. On this basis alone, the rejection is improper and should be withdrawn.

Applicants' amended claim 1 includes further features that are neither disclosed nor suggested by Yung, namely:

. . . said data transmitting means issues substantially zero data and a silent identification information C showing the substantially zero data . . .

This feature is set forth in the originally filed application at page 15, line 23 - page 16, line 7 and page 17, lines 3-6. No new matter has been added.

By transmitting silent identification information C, a receiving apparatus can easily detect a change in coding method. In this manner, the receiving apparatus prevents noise which is caused by changing the coding method.

Claim 1 goes on to state that the silent identification information C is issued:

. . . when the identification information changes from identification information A showing a first coding type to a second identification information B showing a second coding type.

Thus, again, silent identification information C is used by the receiving apparatus for preventing noise when the change from the first coding type to the second coding type occurs.

Yung discloses the following:

(a) The error detection information provides a means to identify bad frames or erroneous frames (column 14, lines 1-3);

(b) This error detection information is in the form of a cyclic redundancy check (CRC) code word (column 14, lines 3-5);

(c) Bad frame detector 112 determines if there is an error in the frame (column 14, lines 20-21); and

(d) When a bad frame is detected, the frame is muted (column 14, lines 43-51).

This is different than Applicants' claimed invention. Again, Applicants' claim 1 relates to a transmitter which transmits a code indicating when the coding method changes. This is completely different than Yung's error detection - muting process which mutes a frame which is determined to have an error. Muting when coding method changes (in accordance with Applicants' claim 1) and muting when an error is detected (in accordance with Yung) are completely different concepts. Accordingly, claim 1 (and claims dependent thereon) is patentable over Yung.

Regarding claim 9, while this claim is directed to a receiving apparatus, it is also patentable over the art of record. Applicants' invention, as recited by claim 9, includes a feature which is neither disclosed nor suggested by the art of record, namely:

. . . identification information distinguishing means for distinguishing an identification information showing a coding type of received audio data . . .

said selecting means . . . selects the output different from the case of the identification information before transition in the case of identification information C showing the transition period of transition from identification information A or identification information B to other identification information.

Thus, claim 9 recites that a different output is selected by the receiver if identification information C indicating a transition from identification information A or B is detected. Yung neither discloses nor suggests selecting of an output when identification information indicating

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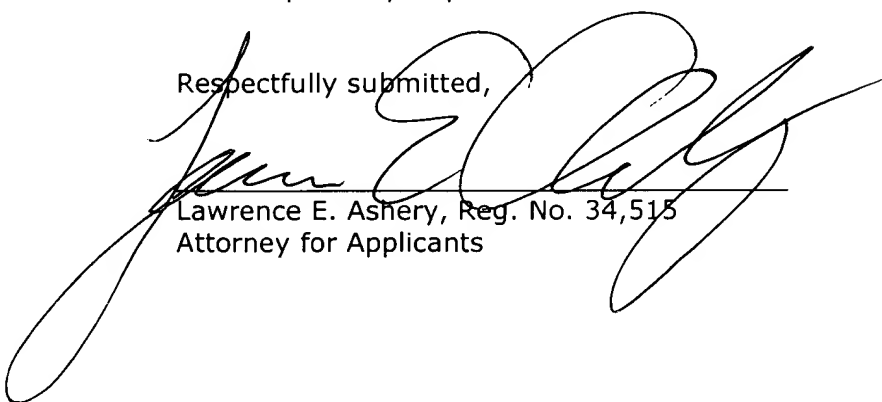
a transition period between two types of identification information is detected. Again, Yung discloses muting upon error detection. Thus, claim 9 (and claims dependent thereon) are patentable over Yung.

Independent claims 14, 15, and 16 are all directed to a transmitting apparatus and are thus distinguishable from Yung which is related to a receiving apparatus. In addition, claims 14, 15 and 16 all recite the issuance of silent identification information C when identification information changes from one type of identification information to another type of identification information. Again, Yung merely discloses muting when a bad frame is detected. Yung has no disclosure of the issuance of identification information based on a transition from one type of identification information to another type of identification information. Therefore, claims 14, 15 and 16 (and claims dependent thereon) are all patentable over Yung.

Applicants acknowledge allowance of claims 26-29.

In view of the amendments and arguments set forth above, the above identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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